

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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MARY DESMOND, THOMAS ZIOBROWSKI, )  
PAUL WATTS on their own behalf and on )  
behalf of other participants in the defendant ERISA )  
Plans )

**Plaintiffs,** )

v. )

Civil Action No. 05-cv-10355 NG

MORTON C. BATT, ANTHONY L. SCIALABBA,) )  
CITISTREET, LLC, WHITE & WILLIAMS, LLP, )  
SCIALABBA & MORRISON, P.C., )  
ANTHONY L. SCIALABBA & ASSOCIATES, )  
P.C. )  
THE STANDARD AUTOMOTIVE 401(K) PLAN,) )  
THE STANDARD AUTOMOTIVE EMPLOYER )  
CONTRIBUTION PLAN, )  
**Defendants.** )

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**PLAINTIFFS' LOCAL RULE 16.1(D)(3) CERTIFICATION**

Plaintiffs Mary Desmond, Thomas Ziobrowski and Paul Watts and their counsel hereby certify that they have conferred (a) with a view to establishing a budget for the costs of conducting the full course - and various alternative courses - of the litigation; and (b) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as

those outlined in Local Rule 16.4

/s/ Mary Desmond  
Mary Desmond

/s/ Thomas Ziobrowski  
Thomas Ziobrowski

/s/ Thomas P. Smith  
Thomas P. Smith (BBO #555513)  
CAFFREY & SMITH, P.C.  
300 Essex Street  
Lawrence, MA 01840  
Telephone: (978) 686-6151  
Telecopy: (978) 686-3399

/s/ Paul Watts  
Paul Watts

Date: June 21, 2005

#### CERTIFICATE OF SERVICE

I, Thomas P. Smith, served a copy of the foregoing document on those parties whose counsel have registered with the Court's ECF service by employing such service for filing this document and upon pro se defendant Morton Batt by mailing a copy, postage prepaid, to:

Morton C. Batt  
2424 NW 63<sup>rd</sup> Street  
Boca Raton, FL 33496-3626

Date: June 21, 2005

/s/ Thomas P. Smith  
Thomas P. Smith